

FISCAL NOTE

HB 3332 - SB 3282

March 22, 2004

SUMMARY OF BILL: Provides penalties for sexual offenses against children in kindergarten through 12th grade as follows:

- Creates a Class B felony offense of rape to include rape of a student if the penetration was accomplished by a school employee, volunteer or vendor.
- Creates a class D felony offense of criminal facilitation of rape of a student if a person has knowledge that the violation has occurred and fails to report the offense to law enforcement.
- Classifies any sexual battery, currently a Class E felony, on a student by a school employee or volunteer as aggravated sexual battery, a Class B felony requiring 100% of sentence to be served.

Currently rape of a child under 13 years of age is a Class A felony requiring 100% of sentence to be served. If the child is 13 years of age but under 18 years of age and the sex was consensual, the offense would be statutory rape, a Class E felony. The offense of rape, a Class B felony, requires 100% of sentence to be served.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$1,110,800/Incarceration*

Estimate assumes:

- six convictions for statutory rape, a Class E felony will be elevated to rape, a Class B felony requiring 100% sentence to be served;
- one conviction of facilitation of rape, a Class D felony;
- five convictions for sexual battery, a Class E felony, elevated to aggravated sexual battery, a Class B felony requiring 100% of sentence to be served.
- penalties for sexual offenses against children under 13 years of age are assumed to remain the same as in current law.

**Section 9-4-210, TCA, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated for operating cost, in current dollars, shall be based upon the highest cost of the next 10 years, beginning with the year the additional sentence to be served impacts the correctional facilities population.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director